

Applicant or Patentee: David L. Holliday Attorney Docket #: 1575.001  
Serial No. or Patent No. 5.765 8  
Filed or Issued: 5/23/98  
For: ATHLETIC BREAST AND CHEST PROTECTOR

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS**  
**(37 CFR 1.9(f) and 1.27(b) - INDEPENDENT INVENTOR)**

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled

ATHLETIC BREAST AND CHEST PROTECTOR  
described in

- ☒ the specification filed herewith  
☐ application serial no. \_\_\_\_\_, filed \_\_\_\_\_  
☐ patent no. \_\_\_\_\_, issued \_\_\_\_\_

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- ☒ no such person, concern, or organization  
☐ persons, concerns, or organizations listed below\*

**\*NOTE:** Separate verified statements are required from each named, person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

FULL NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

FULL NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

FULL NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon, or any patent to which this verified statement is directed.

David L. Holliday  
NAME OF INVENTOR NAME OF INVENTOR NAME OF INVENTOR  
David L. Holliday  
SIGNATURE OF INVENTOR SIGNATURE OF INVENTOR SIGNATURE OF INVENTOR  
2/4/99  
DATE DATE DATE

## Reissue Application Declaration by the Inventor

**Title:** Athletic Breast and Chest Protector  
**Attorney Docket No.** 1575.001

I, David L. Holliday, declare that I am a citizen of the United States of America, and my residence is 903 Blockade Lane, James Island, South Carolina 29412, that I verily believe myself to be the original, first and sole inventor of the invention described and claimed in United States Letters Patent Number 5,769,688, granted June 23, 1998, and in the foregoing specification and for which invention I solicit a reissue patent; that I do not know and do not believe that said invention was ever known in the United States of America before my invention thereof, that I believe the original patent to be wholly or partly inoperative, by reason of my claiming less than I had a right to claim in the invention and specifically, in that the invention is directed to a unitary breast plate which is flexible along a longitudinal axis between the left cup and the right cup, was not claimed in the patent as issued; that such a device is not found in the prior art; the device as claimed in claims 1 through 4 of U.S. Patent 5,769,688 is further limited than my invention.

The error in claiming less than I had a right to claim in the original patent arose without any deceptive intention on my part. U.S. Patent No. 5,769,688 was prosecuted by a different attorney and firm than is named as my attorney herein, and I did not become aware of the apparent availability of broader claims until my subsequent consultation with counsel after my patent issued.

I hereby offer to surrender the original patent, U.S. Patent No. 5,769,688.

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment; that

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a); that


I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint the following attorney to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: B. Craig Killough, Registration Number 30,398. Address all telephone calls to B. Craig Killough at telephone number (803) 577-7700.

Address all correspondence to B. Craig Killough, 134 Meeting Street, Suite 300, Post Office Drawer H, Charleston, South Carolina 29401.

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Dated: 2/4/99

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